App. F. IX-4

1941. (Cb-)

File No. 137-41

Serial Nos. 1-2

Previous References.

Cb- 227-40 (1-5)

Later References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. two only

Part B for Dec '41

SUBJECT.

Inadequate punishment for persons found guilty under the Mysore Prevention of Adulteration Act

C. G. Jayaraman
9. 1. 1942

312 RL

G. R. S. III– 3]
R. A. & L. C.

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

This letter relates to the question of sentences to be imposed by Courts in cases of adulteration of coffee under the Prevention of Adulteration Act.

The sentence will be transferred to the Courts' section for necessary action.

for
9.10.41.

Law Secy)

Pro. Sec)

Hon
2
10/10/41.
for
11.10.41

A copy of this Act may please be put up.

Mil Secy
Legislative
Secy

3
11/10/41

Act IX of 1921
amended by Act IV of 1929
IV of 1930
& XII of 1935

Need
24/10/41
(Pro)
24/10

(P)

A copy of the Act is sent up. There is nothing in the Act preventing a Magistrate from imposing heavier fines. Sec 5-A permits of a fine upto 100 rupees for the first offence and for every subsequent offence upto Rs 500. The attention of the Magistrates may be drawn in the usual manner & a Circular if necessary.

6/11/41
for

Law Secretary) 3

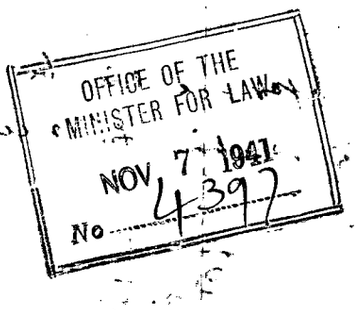
N.B.—Should routine notes be written on small slips, the notes must be copied, or slips, pasted on this form.

1840
8

G. R. S. III—3]
R. A. & L. C.

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]



The fine imposed is not adequate. The Dist Magistrates may be instructed to inform their subordinate Magistrates not to be so lenient while imposing punishments in such cases.

Minister for Law.

Hm 2 7.11.41.

3 7/11/41

Should not such a circular be issued by the High Court? Please obtain precedents & practice.

Hm 8/11

Hm 2 10/11/41.

3 10/11/41

In pursuance of the rules on the subject, the Sessions Judges and the District Magistrates have to submit to the High Court Calendar Statements of the criminal cases disposed

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Serial No.

Of by them and by the Subordinate Magistrates in their respective jurisdictions.

While forwarding such Calendar Statements the Sessions Judges and the Dist Magistrates will have to point out among other items the instances in which light punishments have been inflicted by Subordinate Magistrates which may merit enhanced punishments. There have been Cases in which the High Court have called for records in such Cases on a perusal of the Calendars and enhanced the sentences passed by the lower Courts.

Very recently the Residency Complained of inadequate sentences passed on persons Convicted of offences punishable under the Defence of India Rules and the High Court on being Consulted stated that such Cases Would be Watched.

It is for orders as to whether a copy of the Controller's letter may be sent to the High Court for opinion.

Ltd
Com
13/11
Dom

(Ltd with reference to Law Minister's Minute dt 8.11.1941 on the previous page)

NOTE—Cont. Sheet.

W. 04155—G.P.B.—55,000—23-10-41

File No. of 194

General and Revenue Secretariat

Serial No.

Please put up the file with reference to case cover by Jeeva Rao.

3
13/11/41.

Courts Collection No 227-40-1-5 on the subject is placed below.

(Chief 14/11) I have just now ascertained from the Registrar that the High Court do not issue Circulars of the type contemplated in this file, because by issuing such Circulars, the High Court are of opinion that they would fetter the discretion of their Subordinate Courts. The practice in the High Court is, to note their remarks on the Calendars received from the Subordinate Courts, & if they find a sentence to be inadequate, they note so on the Calendars, & intimate the District Judge who in turn transmits their remarks to the concerned Magistrate. Or the High Court may

The attention therefore may be drawn to the letter of the Controller of Coffee, so that the High Court may look up the Calendars of those cases, & take such action as they deem fit.

Law Secretary. 3
14/11/41

for Secretary.

Minister for Law.) Circular may issue. 17.11.41.
& Standing Order accordingly. 3
& also to Subordinate Courts per 18/11/41 12/11/41 for enhancement in Triumble Cases 18.11.41

GOVT. LAW DEPT.
14 NOV 1941
MINISTER FOR LAW
GOVT OF MYSORE
NOV 17 1941
No 4919

✓ 1840

General and Revenue Secretariat | File No. | of 194 | [App. F. III—2

Serial No.

Subd with a draft of a circular

Con
Gn
Dom

may be approved
Law Secretary 3
9/12/41

For perusal before issue
Minister for Law.)

Hm 2
12/12/41.

3
11/12/41

Bm
12/12

Hm 2
13.12.41.

Bm 3
13/12/41

Issued No P 2815-24 & 22.12.1941.

B

SECY. LAW DEPT. 9 DEC. 1941 GOVT. OF MYSORE

OFFICE OF THE ... DEC 12 1941 5939

DRAFTING SECTION 13 DEC. 1941 REV. DEPT.

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—23-10-41

Tele-{grams : Cotcesscom
phone : 2266

No. 8605

INDIAN COFFEE MARKET EXPANSION BOARD

BANGALORE

Dated Sept. 27, 1941.

1840/P & 41

From

M.P. Pai Esq., I.C.S.,
Controller of Coffee,
Indian Coffee Market Expansion Board.

To

The Chief Secretary to the Government of His Highness the Maharaja of Mysore,
BANGALORE.

Cb 137-41-1

Sir,

Mysore Prevention of Adulteration Act.

Adulteration of Coffee with Chicory & Millets.

I have the honour to invite the attention of the Government of Mysore to a few recent convictions by the City Magistrate of Bangalore for offences of adulteration of coffee under the Mysore Prevention of Adulteration Act in which fines of Rs.5/- each were imposed.

2. It is submitted to the Government that the penalty imposed is quite inadequate and unlikely to have any serious effects either on the offenders themselves or on others engaged in the adulteration of coffee. The difference in the price of genuine Mysore Coffee and the type of starch/~~pe~~ adulterant usually used is so great that a lenient sentence would be risked by most petty merchants considering the large profits to be gained in the illicit trade. Low fines therefore hardly accord the consumer the protection which Food and Health Laws are intended to secure. Apart from this the adulteration and colouring of coffee appear to be on the increase ever since the enactment of the Mysore Coffee Market Expansion Act of 1940 which has been followed by a rise in the prices of all grades of coffee

including poorer types. The Adulteration Laws are the only Laws which can check such illicit trade practices as tend to undo the results of Price Control under the Act. This is one other aspect of the matter which the learned Magistrate possibly overlooked.

3. It is prayed for all these reasons that the Health and Magisterial authorities be instructed to view offences relating to the Colouring and Adulteration of Coffee with the ~~sarinity~~ severity called for, and to see that really deterrent sentences are imposed in prosecutions relating to ~~them~~ them.

I have the honour to be,

Sir,

Your most obedient servant,

Controller of Coffee,
Indian Coffee Market Expansion Board.

TVK.

C/S 137-41-2

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

Circular P. 2815-24
dy 22/12/41

It has Come to the notice of Govt that the adulteration and Colouring of Coffee has in recent times Very Greatly increased and the sentences passed on persons Convicted of Offences of adulteration of Coffee under the Mysore prevention of Adulteration Act have been Very lenient With the result that the sentences inflicted ~~on~~ ~~them~~ by the Magistrates have had no deterrent effect either on the offenders themselves or on others engaged in the adulteration of Coffee.

Govt are of opinion that this unsatisfactory

WD 0282—GPB—22,500—14-3-38

14 Copies. 13/12

State Of affairs should be checked by the strict enforcement of the rules on the subject.

With a View to secure this end in View, the Dist. Magistrates of Districts are requested to issue instructions to the prosecuting Officers Working under their Control to move for ~~enhancement~~ deterrent ~~of~~ sentences in ~~suitable~~ all such cases. They ~~should~~ are also requested to scrutinise the Calendars of their subordinate ~~with care~~ closely, Magistrates, and assure themselves that adequate punishments are inflicted on the Offenders in such Cases and move the High Court for enhancement of Sentences in suitable cases

By Order

Hm
12/12/41

Secy to Govt
Law Deptt

To The D.G. of Police
The DMs of Districts

No. P 3077/Encl 87/42 Cons to the Regr of Lahore Corresp Rules

8x

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat.

P.2815-24
Cf 137-41-2

Dated Bangalore, ...2.2.24... December 1941

OFFICIAL MEMORANDUM.

CIRCULAR

It has come to the notice of Government that the sulphur dip and colouring of coffee has in recent times very greatly increased and the sentence passed on persons convicted of offence of adulteration of coffee under the Mysore Prevention of Adulteration of Coffee Act have been very light and the profits that the merchants indicted by the Magistrates have had to deposit either on the adulterated things sold or on other articles in the adulteration of coffee.

Government are of opinion that the punishment to be given in cases should be checked by the strict enforcement of the rules on the subject.

With a view to secure this end in view, the District Magistrates are requested to issue instructions to the prosecuting officers working under their control to move for deterrent sentences in all such cases. They are also requested to ~~supervise~~ scrutinise the endorsements of their Assistants and Deputies/and ensure themselves that cases should have been instituted on the complaints in each case and have the High Court for enhancement of sentences in suitable cases.

By order,

for Secretary to Government,
Law Department.

Ex

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat,

P. 2815 - 24/cg-Dated Bangalore, ...22nd... December 1941
Cs 137-41-2

OFFICIAL MEMORANDUM.

Subject.

It has come to the notice of Government that the administration and collection of rents due to private villages very often encounter the difficulties pointed out and are convinced of efficacy of collection of rents under the Ryotwari pattern of administration of land tenure only should the people and the Government benefited by the change. Government have had to consider cases either on the application from time to time or on others brought to the notice of Government.

Government are of opinion that this matter should be scrutinised by the Deputy Commissioners also on the ground.

It is also to point out that in view, the proposals [illegible] of Deputy are requested to keep themselves to the proceedings issued under this memo for detailed instructions in all such cases. They are also requested to Scrutinise the proposals in these cases Locally and to forward their observations with complete records and finally on the conditions in each case with [illegible] the Govt. for consideration of Government in this [illegible].

By order

for Secretary to Government
Land Revenue.

&x

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat.

P. 2815-24

Dated Bangalore ...22.25... December 1941

C/5 137-41-2

OFFICIAL MEMORANDUM.

CIRCULAR.

It has come to the notice of Government that the adulteration and colouring of Coffee has in recent times very greatly increased and the sentences passed on persons convicted of offences of adulteration of coffee under the Mysore prevention of Adulteration Act have been very lenient with the result that the sentences inflicted by the Magistrates have had no deterrent effect either on the offenders themselves or on others engaged in the adulteration of coffee.

Government are of opinion that this unsatisfactory state of affairs should be checked by the strict enforcement of the rules on the subject.

With a view to secure this end in view, the District Magistrates of Districts are requested to issue instructions to the prosecuting officers working under their control to move for deterrent sentences in all such cases. They are also requested to ~~scrutinise~~ Scrutinise the calendars of their Subordinate Magistrates closely and assure themselves that adequate punishments are inflicted on the offenders in such cases and move the High Court for enhancement of sentences in suitable cases.

By Order,

Secretary to Government,
Law Department.